

Entered - 10-20-00 - sb
CL 00L0635 - ALEXIS HOLMES

02-*k* -1316

CLAIM OF: **STANLEY MEZMIN AND
KARL A. WILLIAMS**
Through their attorney
Harvey M. Koenig
Suite 600 Park Central
2970 Clairmont Road
Atlanta, Georgia 30329

For property damages alleged to have been sustained as a result of the City failing to properly notify the claimants of a re-hearing regarding the demolition of their property.

THIS ADVERSED REPORT IS APPROVED

BY:

Robert N. Godfrey
ROBERT N. GODFREY
DEPUTY CITY ATTORNEY

ADVERSE REPORT
CITY COUNCIL AUG 19 2002

ADVERSE REPORT

COM V *P.S.L.A.*

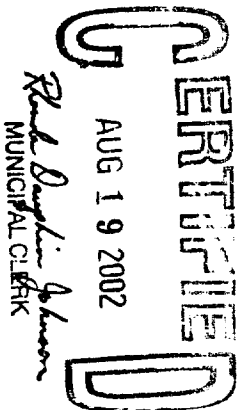
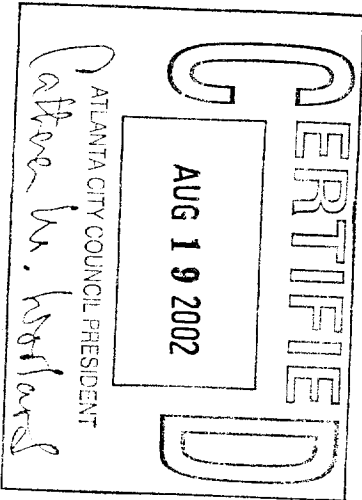
DATE *7/30/02*

CH *Vice chair C. T. Martin*

Natasha Archibald

Robert N. Godfrey

Carla Smith





OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

August 20, 2002

Harvey M. Koenig
Attorney at Law
2970 Clairmont Road
Suite 600 Park Central
Atlanta, GA 30329

02-R-1316

RE: Stanley Mezin and Karl A. Williams

Dear Attorney Koenig:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on August 5, 2002. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,
Rhonda Dauphin Johnson

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0635

Date: 07/15/02

Claimant /Victim STANLEY MEZMIN AND KARL A. WILLIAMS
BY: (Atty)(Ins.) Harvey M. Koenig
Address: Suite 600 Park Central 2970 Clairmont Road Atlanta, Georgia 30329
Subrogation: Claim for Property damage \$ 46,800.00 Bodily Injury \$
Date of Notice: 10/20/00 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)
Date of Occurrence 09/30/99 Place: 5 Helena Street
Department: Planning and Development and Neighborhood Conservation Division: Bureau of Buildings
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimants allege that they sustained property damages when they were not adequately notified by the City of a rescheduled hearing extending them an opportunity to argue against the demolition of their property. However, the claimants failed to file their claim in a timely manner as set forth in O.C.G.A. §36-33-5. Furthermore, the City is immune from liability as set forth in O.C.G.A. §36-33-1.

INVESTIGATION:

Statements: City employee X Claimant Other Written X Oral X
Pictures Diagrams Reports: Police Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver


BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months X Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager:  on cur/date 07/16/02 Committee Action: Council Action

CONSENT I

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08/19/02 Council Meeting	
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSE ON CONSENT AGENDA
1. 02-O-1181	34. 02-R-1307
2. 02-O-1221	35. 02-R-1308
3. 02-O-1222	36. 02-R-1309
4. 02-O-1282	37. 02-R-1310
5. 02-O-1300	38. 02-R-1311
6. 02-O-1245	39. 02-R-1312
7. 02-O-1293	40. 02-R-1313
8. 02-O-1294	41. 02-R-1314
9. 02-O-1223	42. 02-R-1315
10. 02-O-1220	43. 02-R-1316
11. 02-O-1289	44. 02-R-1317
12. 02-O-1291	45. 02-R-1318
13. 02-O-1273	46. 02-R-1319
14. 02-O-1224	47. 02-R-1320
15. 02-O-1232	48. 02-R-1321
16. 02-O-1233	49. 02-R-1322
17. 02-O-1287	50. 02-R-1323
18. 02-R-1362	51. 02-R-1324
19. 02-R-1283	52. 02-R-1325
20. 02-R-1288	53. 02-R-1326
21. 02-R-1334	54. 02-R-1327
22. 02-R-1279	55. 02-R-1328
23. 02-R-1331	56. 02-R-1329
24. 02-R-1332	57. 02-R-1330
25. 02-R-1333	
26. 02-R-1338	
27. 02-R-1349	
28. 02-R-1350	
29. 02-R-1348	
30. 02-R-1303	
31. 02-R-1304	
32. 02-R-1305	
33. 02-R-1306	

1st Consent I Vote: 13Yeas; 0 Nays (See RCS #3910)
Items Removed from Consent: 02-O-1290; 02-O-1213; 02-R-1345; 02-O-1272